

REMARKS

This Amendment is filed in response to the Office Action dated October 21, 2008. For the following reasons this application should be allowed and the case passed to issue. No new matter is introduced by this amendment.

Claims 2-6 are pending in this application. Claims 1-3 and 5-8 have been rejected. Claim 4 is objected to. Claim 1 is canceled in this amendment. New claims 5 and 6 are introduced in this amendment. Claims 7 and 8, which were presented in the Amendment filed June 30, 2008, are canceled in this Amendment.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 5, and 6 were rejected under 35 U.S.C. § 102(a) as being anticipated by Montalvo et al. (US 5,126,808).

This rejection is moot, as claim 1 was canceled.

New claims 5 and 6 are identical to claims 7 and 8, which were presented in the Amendment filed June 30, 2008. As prior claims 7 and 8 were not rejected as anticipated by Montalvo et al., Applicants maintain that new claims 5 and 6 are not anticipated by Montalvo et al.

Claim Rejections Under 35 U.S.C. § 103

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yiu et al. (US 5,526,307) in view of Montalvo et al. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

The combination of Yiu et al. and Montalvo et al. do not suggest the claimed nonvolatile semiconductor memory device because Yiu et al. is not prior art to the present invention. The present invention has an earliest effective filing date of April 7, 1993 (the present application is a

Application No.: 09/843,165

Reissue of U.S. Pat. No. 5,898,606, U.S. Application No. 08/841,372, filed April 30, 1997; which is a Divisional of U.S. Application No. 08/661,930, filed June 11, 1996; which is a Continuation U.S. Application No. 08/043,389, filed April 7, 1993) whereas Yiu et al. has a filing date of October 26, 1994. Thus, Yiu et al. is not prior art to the present application.

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Montalvo et al. in view of Gotou (US 5,051,952). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the present invention, as claimed, and the cited prior art.

New claims 5 and 6 are identical to claims 7 and 8, which were presented in the Amendment filed June 30, 2008. The Examiner asserted that Montalvo et al. disclose all the features except for the second bit line formed of polycrystalline silicon. The Examiner averred that Gotou discloses a memory device having main bit lines made of metal and sub bit lines made of polysilicon. The Examiner considered it obvious to modify Montalvo by using a sub bit line made of polysilicon in order to simplify the process of fabricating a memory device.

Gotou discloses the memory cell of a SRAM. In contrast thereto, the memory cell of the present invention is that of a nonvolatile semiconductor device having floating gates. Because the structure of the memory cell of a SRAM is quite different from that of a nonvolatile semiconductor device having floating gates, it would not have been obvious to combine the references as asserted by the Examiner to provide the nonvolatile semiconductor device according to claims 5 and 6.

The dependent claims are allowable for at least the same reasons as the respective independent claims from which they depend and further distinguish the claimed nonvolatile memory semiconductor memory devices.

Allowable Subject Matter

Claim 4 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicants appreciate the indication of allowable subject matter. Further amendment of the claims is not believed necessary because claim 3 is believed to be allowable for the reasons discussed above.

In light of the above Amendment and Remarks, this application should be allowed and the case passed to issue. If there are any questions regarding these remarks or the application in general, a telephone call to the undersigned would be appreciated to expedite prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Bernard P. Codd
Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BPC:MWE
Facsimile: 202.756.8087
Date: March 23, 2009

**Please recognize our Customer No. 20277
as our correspondence address.**